

1 TITLE VII - BILINGUAL EDUCATION ACT

2

3 FINDINGS, POLICY, AND PURPOSE

4 SEC. 701. Section 7102 of the Act is amended—

5 (1) by amending subsection (a) to read as

6 follows:

7 "(a) FINDINGS. The Congress finds that—

8 "(1) as the Nations of the world become

9 increasingly interdependent and as international

10 communication becomes a daily occurrence in government,

11 business, commerce, and family life, multilingual skills

12 constitute an important national resource that deserves

13 protection and development;

14 "(2) the presence of language-minority Americans

15 is related to Federal immigration policies;

16 "(3) language-minority Americans speak virtually

17 all languages, including many that are indigenous to the

18 United States;

19 "(4) many language-minority Americans are

20 limited in their English proficiency, and many have limited

21 education and income;

22 "(5) there are large, and growing, numbers of

23 children and youth of limited English proficiency, many of

1 whom have a cultural heritage that differs from that of
2 their English proficient peers;

3 "(6) limited English proficient students and
4 their families are increasingly moving into school
5 districts that do not have appropriate services in place to
6 serve them;

7 "(7) limited English proficient students arrive
8 at their schools at various age levels and often with
9 little or no prior formal schooling;

10 "(8) limited English proficient children and
11 youth face a number of challenges in receiving an education
12 that will enable them to participate fully in American
13 society, including--

14 "(A) segregated education programs;

15 "(B) disproportionate and improper
16 placement in special education and other special programs,
17 due to the use of inappropriate evaluation procedures;

18 "(C) disproportionate attendance in high-
19 poverty schools, as demonstrated by the fact that, in 1994,
20 75 percent of limited English proficient students attended
21 schools in which at least half of all students were
22 eligible for free or reduced-price meals;

1 "(D) the limited English proficiency of
2 their parents, which hinders parents' ability to
3 participate fully in the education of their children; and
4 "(E) a shortage of teachers and other staff
5 who are professionally trained and qualified to serve such
6 children and youth;
7 "(9) school districts and schools find it
8 challenging to include limited English proficient students
9 in their reform efforts;
10 "(10) a 1999 National Center for Education
11 Statistics survey found that teachers are less likely to
12 participate in professional development designed to address
13 the needs of limited English proficient students than to
14 take part in any other kind of professional development
15 activity;
16 "(11) institutions of higher education can
17 assist in preparing teachers, administrators, and other
18 school personnel to understand and build upon the
19 educational strengths and needs of language-minority and
20 culturally diverse student enrollments;
21 "(12) high-quality bilingual education programs
22 enable children and youth to learn English and meet high
23 academic standards;

1 "(13) a 1998 National Research Council report,
2 Preventing Reading Difficulties in Young Children, found
3 that limited English proficient students should be taught
4 to read first in their native language and that, if such an
5 approach is not possible due to lack of materials and
6 resources, limited English proficient students should
7 attain some fluency in oral English before they receive
8 formal reading instruction in English;

9 "(14) the use of a child's or youth's native
10 language and culture in classroom instruction can—

11 "(A) promote self-esteem and contribute to
12 academic achievement and learning English by limited
13 English proficient children and youth;

14 "(B) benefit children and youth who are
15 proficient in English and also participate in such
16 programs; and

17 "(C) develop our Nation's national language
18 resources, thus promoting our Nation's competitiveness in
19 the global economy;

20 "(15) research, evaluation, and data collection
21 capabilities in the field of bilingual education need to be
22 strengthened so that educators and other staff can better
23 identify and promote programs, program implementation

1 strategies, and instructional practices that result in
2 effective education of limited English proficient children;
3 "(16) parent and community participation in
4 bilingual education programs contributes to program
5 effectiveness;
6 "(17) educational technology has the potential
7 for improving the education of language-minority and
8 limited English proficient students and their families, and
9 the Federal Government should foster development of that
10 technology;
11 "(18) the Federal Government, as reflected in
12 title VI of the Civil Rights Act of 1964 and section 204(f)
13 of the Equal Education Opportunities Act of 1974, has a
14 special and continuing obligation to ensure that States and
15 local school districts take appropriate action to provide
16 equal educational opportunities to children and youth of
17 limited English proficiency;
18 "(19) the Federal Government also, as
19 exemplified by programs authorized under this title, has a
20 special and continuing obligation to assist States and
21 local school districts to develop the capacity to provide
22 programs of instruction that offer limited English
23 proficient children and youth an equal educational
24 opportunity; and

1 "(20) Native Americans and Native American
2 languages (as such terms are defined in section 103 of the
3 Native American Languages Act), including native residents
4 of the outlying areas, have a unique status under Federal
5 law that requires special policies within the broad
6 purposes of this Act.";

7 (2) by amending subsection (b) to read as
8 follows:

9 "(b) POLICY. The Congress declares it to be the
10 policy of the United States—

11 "(1) in order to ensure equal educational
12 opportunity for all children and youth and to promote
13 educational excellence, that the Federal Government should
14 assist State and local educational agencies, institutions
15 of higher education, and community-based organizations to
16 build their capacity to establish, implement, and sustain
17 programs of instruction for children and youth of limited
18 English proficiency; and

19 "(2) in order to ensure that school districts
20 are providing effective instruction to limited English
21 proficient students that enable students to achieve to
22 challenging State standards and are providing programs
23 under subtitle 1 of part A of this title that are

1 consistent with the requirements under section
2 1111(b)(2)(F)(v) of title I of this Act, that—
3 "(A) those students should be included in
4 State assessments of academic performance ;
5 "(B) those students should be assessed, to
6 the extent practicable, in the language and form most
7 likely to yield accurate and reliable information on what
8 those students know, and can do, in subjects other than
9 English, including using tests written in Spanish for
10 Spanish-speaking students with limited English proficiency,
11 if those tests are more likely than tests written in
12 English to yield accurate and reliable information on what
13 those students know, and can do, in subjects other than
14 English; and
15 "(C) those students who have been in United
16 States' schools (not including Puerto Rico) for three
17 consecutive years or more should be tested in reading and
18 language arts using tests written in English. "; and
19 (3) in subsection (c)—
20 (A) in the matter before paragraph (1), by
21 striking out "to educate limited English proficient
22 children and youth to" and inserting in lieu thereof "to
23 help ensure that limited English proficient students master
24 English and"; and

1 (B) by amending paragraph (1) to read as
2 follows:

3 "(1) promoting systemic improvement and reform
4 of, and developing accountability systems for, educational
5 programs serving students with limited English
6 proficiency.".

7

8 AUTHORIZATION OF APPROPRIATIONS FOR PART A

9 SEC. 702. Section 7103(a) of the ESEA is amended to
10 read as follows:

11 "(a) IN GENERAL. For the purpose of carrying out this
12 part, there are authorized to be appropriated such sums as
13 may be necessary for each of fiscal years 2001 through
14 2005."

15

16 PROGRAM DEVELOPMENT AND ENHANCEMENT GRANTS

17 SEC. 703. Section 7113 of the ESEA is amended—

18 (1) by amending the section heading to read as
19 follows: "PROGRAM DEVELOPMENT AND ENHANCEMENT GRANTS";

20 (2) by amending subsection (a) to read as
21 follows:

22 "(a) PURPOSE. The purpose of this section is to
23 provide grants to eligible entities to carry out innovative

1 instructional programs for limited English proficient
2 students. ";

3 (3) in subsection (b)–

4 (A) in paragraph (1)(B), by striking out
5 "two" and inserting in lieu thereof "three"; and

6 (B) by amending paragraph (2) to read as
7 follows:

8 "(2) AUTHORIZED ACTIVITIES. –(A) Grants under
9 this section shall be used for–

10 "(i) developing and implementing
11 comprehensive, preschool, elementary, or secondary
12 education programs for children and youth with limited
13 English proficiency, that are aligned with standards-based
14 State and local school reform efforts and coordinated with
15 other relevant programs and services to meet the full range
16 of educational needs of such children and youth;

17 "(ii) providing high-quality
18 professional development to classroom teachers,
19 administrators, and other school or community-based
20 organization personnel to improve the instruction and
21 assessment of limited English proficient students; and

22 "(iii) annually assessing the English
23 proficiency of all limited English proficient students
24 served by the program.

1 "(B) Grants under this section may be used
2 for—
3 "(i) implementing programs to upgrade
4 the reading and other academic skills of limited English
5 proficient students;
6 "(ii) developing accountability
7 systems to track the academic progress of limited English
8 proficient and formerly limited English proficient
9 students;
10 "(iii) implementing family education
11 programs and parent outreach and training activities
12 designed to assist parents to become active participants in
13 the education of their children;
14 "(iv) improving the instructional
15 program for limited English proficient students by
16 identifying, acquiring, and applying effective curriculum,
17 instructional materials, assessments, and educational
18 technology aligned with State and local standards;
19 "(v) providing tutorials and academic
20 or career counseling for children and youth who are limited
21 English proficient; and
22 "(vi) such other activities,
23 consistent with the purposes of this part, as the Secretary
24 may approve."; and

1 (4) by adding at the end thereof the following
2 new subsection:
3 "(d) PRIORITY. The Secretary is authorized to give
4 priority to applicants that have a total district
5 enrollment that is less than 10,000 students and have
6 limited or no experience in serving limited
7 English proficient students. ".

8

9 COMPREHENSIVE SCHOOL GRANTS

10 SEC. 704. Section 7114 of the ESEA is amended—

11 (1) by amending subsection (a) to read as
12 follows:

13 "(a) PURPOSE. The purpose of this section is to
14 implement school-wide education programs, in coordination
15 with Title I, for children and youth with limited English
16 proficiency—

17 "(1) to assist such children and youth to learn
18 English and achieve to challenging State content and
19 performance standards; and

20 "(2) to improve, reform, and upgrade relevant
21 programs and operations, in schools with significant
22 concentrations of such students or that serve significant
23 numbers of such students.";

1 (2) by amending subsection (b)(2) to read as
2 follows:

3 "(2) PROGRAM IMPROVEMENT PLAN .-(A) The
4 Secretary, before making a continuation award for the
5 fourth year of a program under this section, shall
6 determine if the program is making continuous and
7 substantial progress in assisting children and youth with
8 limited English proficiency to learn English and achieve to
9 challenging State content and performance standards. The
10 Secretary shall base the determination on-

11 "(i) the indicators established under
12 section 7118(d) and the data and information collected
13 under section 7118; and

14 "(ii) such other data and information
15 as the Secretary may require.

16 "(B)(i) If the Secretary determines that a
17 recipient requesting a fourth-year continuation award under
18 this section is not making continuous and substantial
19 progress under subparagraph (A), the recipient shall
20 promptly develop and submit to the Secretary a program
21 improvement plan for its program.

22 "(ii) The Secretary shall approve a
23 program improvement plan under clause (i) only if he or she
24 determines that it holds reasonable promise of enabling

1 students with limited English proficiency participating in
2 the program to learn English and achieve to challenging
3 State content and performance standards.

4 "(iii) If the Secretary determines
5 that the recipient is not making substantial progress in
6 implementing the program improvement plan under clause (i),
7 the Secretary shall deny a continuation award.";

8 (3) by amending paragraphs (3) and (4) to read
9 as follows:

10 "(3) AUTHORIZED ACTIVITIES. -(A) Grants under
11 this section shall be used to improve the education of
12 limited English proficient students and their families by-

13 "(i) coordinating the program with
14 district policies and practices, as well as other relevant
15 programs and services, and aligning the program with school
16 reform efforts to meet the full range of educational needs
17 of limited English proficient students;

18 "(ii) providing training to all, or
19 virtually all, school personnel and participating
20 community-based organization personnel to improve the
21 instruction and assessment of limited English proficient
22 students;

23 "(iii) developing or improving
24 accountability systems to track the academic progress of

1 limited English proficient and formerly limited English
2 proficient students; and
3 "(iv) annually assessing the English
4 proficiency of all limited English proficient students
5 served by the program.
6 "(B) Grants under this section may also be
7 used for—
8 "(i) implementing programs to upgrade
9 the reading and other academic skills of limited English
10 proficient students;
11 "(ii) developing and using educational
12 technology, including interactive technology, to improve
13 learning, assessments, and accountability;
14 "(iii) implementing and adapting
15 research-based models for meeting the needs of limited
16 English proficient students;
17 "(iv) developing and implementing
18 programs to meet the needs of limited English proficient
19 students with disabilities;
20 "(v) implementing family education
21 programs and parent outreach and training activities
22 designed to assist parents to become active participants in
23 the education of their children;

1 "(vi) improving the instructional
2 program for limited English proficient students by
3 identifying, acquiring, and upgrading curriculum,
4 instructional materials, educational software and
5 assessment procedures;

6 "(vii) providing tutorials and
7 academic or career counseling for children and youth of
8 limited English proficiency;

9 "(viii) developing and implementing
10 programs to help all students become proficient in more
11 than one language; and

12 "(ix) carrying out such other
13 activities, consistent with the purposes of this part, as
14 the Secretary may approve.

15 "(4) SPECIAL RULES. A grant recipient—

16 "(A) before carrying out a program assisted
17 under this section, shall plan, train personnel, develop
18 curriculum, and acquire or develop materials, but shall not
19 use funds under this section for planning purposes for more
20 than 90 days; and

21 "(B) shall not carry out a program under
22 this section in more than two schools for each grant it
23 receives under this section.".

24

1 SYSTEMWIDE IMPROVEMENT GRANTS

2 SEC. 705. Section 7115 of the ESEA is amended—

3 (1) in subsection (a), by striking out
4 "bilingual education programs or special alternative
5 instruction programs to" and inserting in lieu thereof
6 "instructional programs for children and youth with limited
7 English proficiency";

8 (2) by amending subsection (b)(2) to read as
9 follows:

10 "(2) PROGRAM IMPROVEMENT PLAN .—(A) The
11 Secretary, before making a continuation award for the
12 fourth year of a program under this section, shall
13 determine if the program is making continuous and
14 substantial progress in assisting children and youth with
15 limited English proficiency to learn English and achieve to
16 challenging State content and performance standards. The
17 Secretary shall base the determination on—

18 "(i) the indicators established under
19 section 7118(d) and the data and information collected
20 under section 7118; and

21 "(ii) such other data and information
22 as the Secretary may require.

23 "(B)(i) If the Secretary determines that a
24 recipient requesting a fourth-year continuation award under

1 this section is not making continuous and substantial
2 progress under subparagraph (A), the recipient shall
3 promptly develop and submit to the Secretary a program
4 improvement plan for its program.

5 "(ii) The Secretary shall approve a
6 program improvement plan under clause (i) only if he or she
7 determines that it holds reasonable promise of enabling
8 students with limited English proficiency participating in
9 the program to learn English and achieve to challenging
10 State content and performance standards.

11 "(iii) If the Secretary determines
12 that the recipient is not making substantial progress in
13 implementing the program improvement plan under clause (i),
14 the Secretary shall deny a continuation award.";

15 (3) by amending paragraph (4) to read as
16 follows:

17 "(4) AUTHORIZED ACTIVITIES .-(A) Grants under
18 this section shall be used for-

19 "(i) aligning programs for limited
20 English proficient students in the district with school,
21 district, and State reform efforts and coordinating the
22 program with other relevant programs, such as title I, and
23 services to meet the full range of educational needs of

1 limited English proficient students throughout the
2 district;

3 "(ii) providing high-quality
4 professional development that is aligned with high
5 standards to classroom teachers, administrators, and other
6 school or community-based organization personnel to improve
7 the instruction and assessment of limited English
8 proficient students;

9 "(iii) developing and implementing a
10 plan, coordinated with programs under title II of Higher
11 Education Act of 1965 where applicable, to recruit teachers
12 trained to serve limited English proficient students;

13 "(iv) annually assessing the English
14 proficiency of all limited English proficient students
15 served by the program; and

16 "(v) developing or improving
17 accountability systems that are consistent with the State's
18 accountability system to measure limited English proficient
19 students' academic progress in a valid and reliable manner.

20 "(B) Grants under this section may also be
21 used for—

22 "(i) developing and implementing
23 programs to help all students become proficient in more
24 than one language;

1 "(ii) developing content and
2 performance standards for learning English as a second
3 language, as well as for learning other languages;
4 "(iii) developing assessments tied to
5 State performance standards ;
6 "(iv) developing performance standards
7 for students with limited English proficiency that are
8 aligned with challenging State content standards;
9 "(v) redesigning programs for limited
10 English proficient students to meet the needs of changing
11 population of such students ;
12 "(vi) coordinating assessments with
13 State accountability systems ;
14 "(vii) implementing policies and
15 procedures to ensure that limited English proficient
16 students have access to all district programs, such as
17 gifted and talented, vocational education, and special
18 education programs; and
19 "(viii) integrating technology into
20 all aspects of educating limited English proficient
21 students, including data management systems and the
22 delivery of instructional services to limited English
23 proficient students.".
24

1 APPLICATIONS FOR AWARDS UNDER SUBPART 1

2 SEC. 706. Section 7116 of the ESEA is amended—

3 (1) in subsection (b)—

4 (A) in paragraph (1), by striking out "such

5 application" and inserting in lieu thereof "its written

6 comments on the application"; and

7 (B) by amending paragraph (2)(B) to read as

8 follows:

9 "(B) For purposes of this subpart, such

10 comments shall address—

11 "(i) how the grant activities will

12 further the academic achievement and English proficiency of

13 limited English proficient students served under a grant

14 received under this subpart; and

15 "(ii) how the grant application is

16 consistent with the State plan, especially with regard to

17 State assessments, required under section 1111.";

18 (2) by amending subsection (f) to read as

19 follows:

20 "(f) REQUIRED DOCUMENTATION. Such application shall

21 include documentation that—

22 "(1) the applicant has the qualified personnel

23 required to develop, administer, and implement the proposed

24 program; and

1 "(2) the leadership of each participating school
2 has been involved in the development and planning of the
3 program in the school.";

4 (3) in subsection (g)(1)–

5 (A) by amending subparagraph (A) to read as
6 follows:

7 "(A) A description of the need for the
8 proposed program, including data on the number of children
9 and youth of limited English proficiency in the schools or
10 school districts to be served and the characteristics of
11 such children and youth, including–

12 "(i) the native languages of the
13 students to be served;

14 "(ii) student proficiency in English
15 and the native language;

16 "(iii) current achievement data of the
17 limited English proficient students to be served by the
18 program (and in comparison to their English proficient
19 peers) in–

20 "(I) reading or language arts (in
21 English and in the native language, if applicable); and

22 "(II) mathematics;

23 "(iv) reclassification rates for
24 limited English proficient students in the district;

1 "(v) the previous schooling
2 experiences of participating students;
3 "(vi) the professional development
4 needs of the instructional personnel who will provide
5 services for limited English proficient students, including
6 the need for certified teachers; and
7 "(vii) how the grant would supplement
8 the basic services provided to limited English proficient
9 students.";
10 (B) in subparagraph (B)–
11 (i) by amending clause (ii) to read as
12 follows:
13 "(ii) is coordinated with other
14 programs under this Act, and other Acts as appropriate,
15 such as the Individuals with Disabilities Education Act and
16 the Carl D. Perkins Vocational and Technical Education Act,
17 in accordance with section 11505;";
18 (ii) by redesignating clauses (ii)
19 through (v) as clauses (iii) through (vi), respectively;
20 and
21 (iii) by inserting a new clause (ii)
22 to read as follows:

1 "(ii) will supplement the basic
2 services the applicant provides to limited English
3 proficient students;" and
4 (C) by amending subparagraph (E) to read as
5 follows:
6 "(E) An assurance that the applicant will
7 employ teachers in the proposed program who individually,
8 or in combination, are proficient in--
9 "(i) English, including written, as
10 well as oral, communication skills; and
11 "(ii) the native language of the
12 majority of students they teach, if instruction in the
13 program is also in the native language."; and
14 (4) in subsection (i)--
15 (A) by amending paragraphs (1) and (2) to
16 read as follows:
17 "(1) PRIORITY. The Secretary is authorized to
18 give priority to applicants that--
19 "(A) experience a dramatic increase in the
20 number of limited English proficient students enrolled;
21 "(B) demonstrate that they have a proven
22 record of success in helping children and youth with
23 limited English proficiency learn English and achieve to
24 high academic standards; or

1 "(C) propose programs that provide for the
2 development of bilingual proficiency both in English and
3 another language for all participating students.

4 "(2) LIMITATION. Grants for programs under this
5 subpart that do not use the students' native language shall
6 not exceed 25 percent of the funds provided for any type of
7 grant under that section, or of the total funds provided
8 under this subpart, for any fiscal year."; and

9 (B) in paragraph (3), by striking out
10 "special alternative instructional programs" and inserting
11 in lieu thereof "programs that do not use the students'
12 native language".

13

14 EVALUATIONS UNDER SUBPART 1

15 SEC. 707. Section 7123 of the ESEA is amended—

16 (1) in subsection (a), by striking out "every
17 two years" and inserting in lieu thereof "every year";

18 (2) by amending subsection (c) to read as
19 follows:

20 "(c) EVALUATION COMPONENTS.—(1) In preparing
21 evaluation reports, the recipient shall—

22 "(A) use the data provided in the
23 application as baseline data against which to report

1 academic achievement and gains in English proficiency for
2 students in the program;

3 "(B) report on the validity and reliability
4 of all instruments used to measure student progress; and

5 "(C) enable results to be disaggregated by
6 relevant factors, such as a student's grade, gender, and
7 language group, and whether the student has a disability.

8 "(2) Evaluations shall include—

9 "(A) data on the project's progress in
10 achieving its objectives;

11 "(B) data showing the extent to which all
12 students served by the program are achieving to the State's
13 student performance standards, including—

14 "(i) data comparing limited English
15 proficient children and youth with English proficient
16 students with regard to grade retention and academic
17 achievement in reading and language arts, in English and in
18 the native language if the project develops native language
19 proficiency, and in math;

20 "(ii) gains in English proficiency,
21 including speaking, comprehension, reading, and writing, as
22 developmentally appropriate, and such gains in native
23 language proficiency if the project develops native
24 language proficiency; and

1 "(iii) reclassification rates
2 (including average duration in a program) for limited
3 English proficient students by grade, and data on the
4 academic achievement of redesignated students for two years
5 after redesignation;

6 "(C) program implementation indicators that
7 address each of the program's objectives and components,
8 including the extent to which professional development
9 activities have resulted in improved classroom practices
10 and improved student achievement;

11 "(D) a description of how the activities
12 funded under the grant are coordinated and integrated with
13 the overall school program and other Federal, State, or
14 local programs serving limited English proficient children
15 and youth; and

16 "(E) such other information as the
17 Secretary may require."; and

18 (3) by adding a new subsection (d) to read as
19 follows:

20 "(d) PERFORMANCE MEASURES. The Secretary shall
21 establish performance indicators to determine if programs
22 under sections 7113 and 7114 are making continuous and
23 substantial progress, and may establish performance
24 indicators to determine if programs under section 7112 are

1 making continuous and substantial progress, toward
2 assisting children and youth with limited English
3 proficiency to learn English and achieve to challenging
4 State content and performance standards. ".

5

6 RESEARCH

7 SEC. 708. Section 7132 of the ESEA is amended—

8 (1) in subsection (a), by—

9 (A) inserting the paragraph designation

10 "(1)" before "The Secretary shall";

11 (B) striking out "through the Office of
12 Educational Research and Improvement in coordination and
13 collaboration with the Office of Bilingual Education and
14 Minority Language Affairs"; and

15 (C) adding a paragraph (2) to read as
16 follows:

17 "(2) Such research may include—

18 "(A) collecting data needed for compliance
19 with the Government Performance and Results Act;

20 "(B) improving data collection procedures
21 and the infrastructure for data collection on limited
22 English proficient students, for purposes of improving
23 instruction and accountability;

1 "(C) developing research-based models for
2 serving limited English proficient students of diverse
3 language backgrounds and in diverse educational settings;
4 "(D) identifying technology-based
5 approaches that show effectiveness in helping limited
6 English proficient students reach challenging State
7 standards; and
8 "(E) other research, demonstration, and
9 data collection activities consistent with the purpose of
10 this title.";
11 (2) in subsection (b)–
12 (A) in paragraph (1), by inserting "and "
13 at the end thereof;
14 (B) by striking out paragraphs (2) and (3);
15 and
16 (C) by redesignating paragraph (4) as
17 paragraph (2);
18 (3) in subsection (c)–
19 (A) in paragraph (1), by–
20 (i) striking out "(1) IN GENERAL.–";
21 and
22 (ii) by striking out "under subpart 1
23 or 2" and inserting in lieu thereof "under subpart 1,
24 section 7124, or subpart 3"; and

1 (B) striking out paragraph (2); and

2 (4) by striking out subsection (e).

3

4 ACADEMIC EXCELLENCE AWARDS

5 SEC. 709. Section 7133 of the ESEA is amended to read
6 as follows:

7 "ACADEMIC EXCELLENCE AWARDS

8 "SEC. 7133. (a) AUTHORITY. The Secretary is
9 authorized to make grants to State educational agencies to
10 assist them in recognizing local educational agencies and
11 other public and non-profit entities whose programs have—

12 "(1) demonstrated significant progress in
13 assisting limited English proficient students to learn
14 English within three years; and

15 "(2) demonstrated significant progress in
16 assisting limited English proficient students to meet,
17 within three years, the same challenging State content
18 standards expected of all children and youth.

19 "(b) APPLICATIONS. A State educational agency
20 desiring a grant under this section shall include an
21 application for such grant in its application required
22 under section 7124(e). "

1 STATE GRANT PROGRAM

2 SEC. 710. Section 7134(c) of the ESEA is amended to
3 read as follows:

4 "(c) USES OF FUNDS. A State educational agency shall
5 use funds awarded under this section to—

6 "(1) assist local educational agencies in the
7 State with program design, capacity building, assessment of
8 student performance, program evaluation, and development of
9 data collection and accountability systems for limited
10 English proficient students that are aligned with State
11 reform efforts; and

12 "(2) collect data on limited English proficient
13 populations in the State and the educational programs and
14 services available to such populations.".

15
16 NATIONAL CLEARINGHOUSE ON THE EDUCATION OF CHILDREN AND
17 YOUTH WITH LIMITED ENGLISH PROFICIENCY
18

19 SEC. 711. Section 7135 of the ESEA is amended to read
20 as follows:

21 "NATIONAL CLEARINGHOUSE ON THE EDUCATION OF CHILDREN AND
22 YOUTH WITH LIMITED ENGLISH PROFICIENCY
23

24 "SEC. 7135. The Secretary shall establish and support
25 the operation of a National Clearinghouse on the Education
26 of Children and Youth with Limited English Proficiency,
27 which shall collect, analyze, synthesize, and disseminate

1 information about programs related to the education of
2 children and youth with limited English proficiency and
3 coordinate its activities with Federal data and information
4 clearinghouses and dissemination networks and systems. ".

5

6 INSTRUCTIONAL MATERIALS DEVELOPMENT

7 SEC. 712. Section 7136 of the ESEA is amended to read
8 as follows:

9 "INSTRUCTIONAL MATERIALS DEVELOPMENT

10 "SEC. 7136. (a) AUTHORITY. The Secretary may award
11 grants for the development, publication, and dissemination
12 of high-quality instructional materials—

13 "(1) in Native American and Native Hawaiian
14 languages;

15 "(2) in the language of Native Pacific
16 Islanders and other natives of the outlying areas for whom
17 instructional materials are not readily available;

18 "(3) in other low-incidence languages in
19 the United States and for which instructional materials are
20 not readily available; and

21 "(4) on standards and assessments, and
22 instructional programs related to the education of children
23 and youth with limited English proficiency, for
24 dissemination to parents of such children and youth.

1 "(b) PRIORITIES. The Secretary shall give priority
2 to applications that provide for—

3 "(1) developing instructional materials in
4 languages indigenous to the United States or the outlying
5 areas; and

6 "(2) developing and evaluating instructional
7 materials, including technology-based application, that
8 reflect challenging State and local content standards, in
9 collaboration with activities assisted under subpart 1 and
10 section 7124.".

11

12 PURPOSE OF SUBPART 3

13 SEC. 713. Section 7141 of the ESEA is amended to read
14 as follows:

15 "PURPOSE

16 "SEC. 7141. The purpose of this subpart is to assist
17 in preparing educators to improve educational services for
18 children and youth with limited English proficiency by
19 supporting professional development programs for such
20 educators. ".

21

22 TRAINING FOR ALL TEACHERS PROGRAM

23 SEC. 714. Section 7142 of the ESEA is amended—

1 (1) by amending subsection (a) to read as
2 follows:
3 "(a) PURPOSE. The purpose of this section is to
4 assist eligible applicants under subsection (b)(1) to
5 develop and provide ongoing professional development to
6 teachers and other educational personnel with a
7 baccalaureate degree to improve their provision of services
8 to limited English proficient students or to become
9 certified as a bilingual or English as a second language
10 teacher. ";
11 (2) in subsection (b)–
12 (A) by amending paragraph (1) to read as
13 follows:
14 "(1) AUTHORITY. The Secretary is authorized to
15 award grants under this section to local educational
16 agencies or to one or more local educational agencies in
17 consortium with one or more State educational agencies,
18 institutions of higher education, or nonprofit
19 organizations. "; and
20 (B) in paragraph (2), by striking out
21 "five" and inserting in lieu thereof "three"; and
22 (3) by amending subsection (c) to read as
23 follows:

1 "(c) ACTIVITIES.-(1) Funds under this section shall
2 be used to conduct high-quality, long-term professional
3 development activities.

4 "(2) Funds under this section may be used to-

5 "(A) design and implement induction
6 programs for new teachers, including mentoring and coaching
7 by trained teachers, team teaching with experienced
8 teachers, time for observation of, and consultation with,
9 experienced teachers, and additional time for course
10 preparation;

11 "(B) implement school-based collaborative
12 efforts among teachers to improve instruction in reading
13 and other core academic areas for students with limited
14 English proficiency, including programs that facilitate
15 teacher observation and analyses of fellow teachers'
16 classroom practice;

17 "(C) support long-term collaboration among
18 teachers and outside experts to improve instruction of
19 limited English proficient students;

20 "(D) coordinate project activities with
21 other programs such as those under the Head Start Act and
22 titles I and II of the Act;

1 "(E) implement programs that support
2 effective teacher use of education technologies to improve
3 instruction and assessment;

4 "(F) establish and maintain local
5 professional networks;

6 "(G) develop curricular materials and
7 assessments for teachers that are aligned with State and
8 local standards and the needs of the limited English
9 proficient students to be served;

10 "(H) develop education technology to
11 enhance professional development; and

12 "(I) such other activities as are
13 consistent with the purpose of this section.".

14

15 BILINGUAL EDUCATION TEACHERS AND PERSONNEL GRANTS

16 SEC. 715. Section 7143 of the ESEA is amended—

17 (1) by amending subsection (a) to read as
18 follows:

19 "(a) PURPOSE. The purpose of this section is to
20 support preservice professional development to improve the
21 preparation of prospective teachers who are preparing to
22 teach children and youth of limited English proficiency. ";

23 (2) by amending subsection (c) to read as
24 follows:

1 "(c) AUTHORITY.—(1) The Secretary is authorized to
2 make grants to institutions of higher education for
3 preservice professional development in order to improve
4 preparation for prospective teachers who are preparing to
5 teach children and youth of limited English proficiency.

6 "(2) Each grant under this section shall be
7 awarded for a period of not more than five years.

8 "(3) A recipient of a grant under this section
9 shall coordinate its grant program activities with other
10 programs under this Act and other Acts as appropriate.";
11 and

12 (3) by adding a new subsection (d) to read as
13 follow:

14 "(d) ACTIVITIES.—(1) Funds under this section shall
15 be used to—

16 "(A) put in place a course of study that
17 prepares teachers to serve limited English proficient
18 students;

19 "(B) integrate course content relating to
20 meeting the needs of limited English proficient students
21 into all programs for prospective teachers;

22 "(C) assign tenured faculty to train
23 teachers to serve limited English proficient students;

1 "(D) incorporate State content and
2 performance standards into the institution's coursework;
3 and

4 "(E) expand clinical experiences for
5 participants.

6 "(2) Funds under this section may be used to—

7 "(A) support partnerships with local
8 educational agencies that include placing participants in
9 intensive internships in local educational agencies that
10 serve large numbers of limited English proficient students;

11 "(B) restructure higher education course
12 content, including improving coursework and clinical
13 experiences for all prospective teachers regarding the
14 needs of limited English proficient students and
15 preparation for teacher certification tests;

16 "(C) assist other institutions of higher
17 education to improve the quality of professional
18 development programs for limited English proficient
19 students;

20 "(D) expand recruitment of students who
21 will be trained to serve limited English proficient
22 students;

1 "(E) improve the skills and knowledge of
2 faculty related to the needs of limited English proficient
3 students;

4 "(F) coordinate project activities with
5 activities under title II of the Higher Education Act of
6 1965; and

7 "(G) use technology to enhance professional
8 development.".

9 BILINGUAL EDUCATION CAREER LADDER PROGRAM

10 SEC. 716. Section 7144 of the ESEA is amended—

11 (1) by amending subsection (a) to read as
12 follows:

13 "(a) PURPOSE. The purpose of this section is to
14 assist eligible consortia to develop and implement high-
15 quality bilingual education career ladder programs. ";

16 (2) by amending subsection (b)(1) to read as
17 follows:

18 "(a) IN GENERAL. —(1)(A) The Secretary is authorized
19 to award grants to consortia of one or more institutions of
20 higher education and one or more State educational agencies
21 or local educational agencies to develop and implement
22 bilingual education career ladder programs.

1 "(B) For purposes of this section, a
2 "bilingual education career ladder program" means a program
3 that—

4 "(i) is designed to provide high-
5 quality, pre-baccalaureate coursework and teacher training
6 to educational personnel who do not have a baccalaureate
7 degree; and

8 "(ii) leads to timely receipt of a
9 baccalaureate degree and certification or licensure of
10 program participants as bilingual education teachers or
11 other educational personnel who serve limited English
12 proficient students.

13 "(C) Recipients of grants under this
14 section shall—

15 "(i) coordinate with programs under
16 title II of the Higher Education Act of 1965, and other
17 relevant programs, for the recruitment and retention of
18 bilingual students in postsecondary programs to train them
19 to become bilingual educators; and

20 "(ii) make use of all existing sources
21 of student financial aid before using grant funds to pay
22 tuition and stipends for participating students.";

23 (3) in subsection (c)–

24 (A) in paragraph (1)–

1 (i) by striking out "consortium"; and
2 (ii) at the end thereof, by inserting
3 "and" after the semicolon;
4 (B) in paragraph (2), by striking out
5 "teachers; and" and inserting in lieu thereof "teachers.";
6 and
7 (C) by striking out paragraph (3); and
8 (4) by amending subsection (d) to read as
9 follows:
10 "(d) SPECIAL CONSIDERATION. The Secretary shall give
11 special consideration to applications under this section
12 that provide training in English as a second language,
13 including developing proficiency in the instructional use
14 of English and, as appropriate, a second language in
15 classroom contexts. ".
16
17 GRADUATE FELLOWSHIPS IN BILINGUAL EDUCATION PROGRAM
18 SEC. 717. Section 7145(a) of the ESEA is amended—
19 (1) in paragraph (1), by striking out "masters,
20 doctoral, and post-doctoral" and inserting in lieu thereof
21 "masters and doctoral";
22 (2) by striking out paragraph (2); and
23 (3) by redesignating paragraph (3) as paragraph
24 (2).

1

2

APPLICATIONS FOR AWARDS UNDER SUBPART 3

3

SEC. 718. Section 7146 of the ESEA is amended—

4

(1) in subsection (a)(4), by inserting "and

5

applicants for grants under section 7145" after "Bureau of

6

Indian Affairs"; and

7

(2) in subsection (b)—

8

(A) in paragraph (1)—

9

(i) by striking out "of such

10

application copy" and inserting in lieu thereof "an

11

application under sections 7132, 7133, or 7134"; and

12

(ii) by inserting "the written review

13

of" after "and transmit"; and

14

(B) in paragraph (2), by striking out "this

15

subpart" and inserting in lieu thereof "sections 7132,

16

7133, and 7134".

17

18

EVALUATIONS UNDER SUBPART 3

19

SEC. 719. Section 7149 of the ESEA is amended to read

20

as follows:

21

"PROGRAM EVALUATIONS

22

"SEC. 7149. Each recipient of funds under this

23

subpart shall provide the Secretary with an evaluation of

24

its program every year. Such evaluations shall include—

1 "(1) the number of participants served, the
2 number of participants who have completed program
3 requirements, and the number of participants who have taken
4 positions in an instructional settings with limited English
5 proficient students;

6 "(2) the effectiveness of the program in
7 imparting the professional skills necessary for
8 participants to achieve the objectives of the program; and

9 "(3) the teaching effectiveness of graduates or
10 other persons who have completed the training program.".

11

12 TRANSITION

13 SEC. 720. Subpart 4 of Part A of Title VII of the
14 ESEA is amended to read as follows:

15 "SUBPART 4 - TRANSITION

16

17 "TRANSITION

18 "SEC. 7161. Notwithstanding any other provision of
19 law, a recipient of a grant under subpart 1 of part A of
20 this title that is in its third or fourth year of that
21 grant on the day preceding the date of enactment of
22 Educational Excellence for All Children Act of 1999 shall
23 be eligible to receive continuation funding under the terms
24 and conditions of the original grant. "

1

2 FINDINGS OF THE EMERGENCY IMMIGRANT EDUCATION PROGRAM

3 SEC. 721. Section 7301(a) of the ESEA is amended—

4 (1) in paragraph (3), by striking out "and" at
5 the end thereof;

6 (2) by redesignating paragraph (4) as paragraph
7 (5); and

8 (3) by adding at the end thereof the following
9 new paragraph:

10 "(4) an increasing number of immigrant children
11 are entering United States' schools with interrupted or
12 little previous schooling; and".

13

14 STATE ADMINISTRATIVE COSTS

15 SEC. 722. Section 7302 of the ESEA is amended by
16 inserting a comma and "or 2 percent if the State
17 educational agency distributes funds received under this
18 part to local educational agencies on a competitive basis,"
19 after "1.5 percent of the amount".

20

21 COMPETITIVE STATE GRANTS TO LOCAL EDUCATIONAL AGENCIES

22 SEC. 723. Section 7304(e)(1) of the ESEA is amended,
23 in the matter before subparagraph (A), by striking out "if
24 the amount appropriated to carry out this part exceeds

1 \$50,000,000 for a fiscal year, a State educational agency
2 may reserve not more than 20 percent" and inserting in lieu
3 thereof" a State educational agency may reserve any
4 portion".

5

6 AUTHORIZATION OF APPROPRIATIONS FOR PART C

7 SEC. 724. Section 7309 of the ESEA is amended to read
8 as follows:

9 "AUTHORIZATION OF APPROPRIATIONS

10 "SEC. 7309. For the purpose of carrying out this
11 part, there are authorized to be appropriated such sums as
12 may be necessary for each of fiscal years 2001 through
13 2005."

14

15 DEFINITIONS

16 SEC. 725. Section 7501 of the ESEA is amended by
17 striking out paragraph (15) and inserting in lieu thereof a
18 new paragraph to read as follows:

19 "(15) RECLASSIFICATION RATE. The term
20 reclassification rate means the annual percentage of
21 limited English proficient students who have met the State
22 criteria for no longer being considered limited English
23 proficient. "

24

1 REGULATIONS, PARENTAL NOTIFICATION, AND USE OF
2 PARAPROFESIONALS

3
4 SEC. 726. Section 7502 of the ESEA is amended by—

5 (1) amending the section heading to read as
6 follows:

7 "REGULATIONS, PARENTAL NOTIFICATION, AND USE OF
8 PARAPROFESSIONALS";

9
10 (2) in subsection (b)—

11 (A) in paragraph (1)—

12 (i) in the matter before subparagraph

13 (A), by striking out "youth participating in" and inserting
14 in lieu thereof "youth who will participate in"; and

15 (ii) in subparagraph (C)—

16 (I) in the matter before clause

17 (i), by striking out "goals of the bilingual education or
18 special alternative instructional program" and inserting in
19 lieu thereof "goals of the program related to the education
20 of children and youth with limited English proficiency";

21 and

22 (II) in clause (i), by striking

23 out "results of the bilingual educational program and of
24 the instructional alternatives" and inserting in lieu
25 thereof "results of the instructional programs related to
26 the education of children and youth with limited English
27 proficiency"; and

1 (B) in paragraph (2)–
2 (i) by amending the paragraph heading
3 to read "OPTION TO WITHDRAW."; and
4 (ii) by amending subparagraph (A) to
5 read as follows:
6 "(A) A recipient of funds under subpart 1
7 of part A shall also provide a written notice to parents of
8 children who will participate in the programs under that
9 subpart, in a form and language understandable to the
10 parents, that informs them that they may withdraw their
11 child from the program at any time."; and
12 (3) adding a new subsection (c) to read as
13 follows:
14 "(c) USE OF PARAPROFESSIONALS. The provisions of
15 section 1119(c) of this Act shall apply to all new staff
16 hired to provide academic instruction in programs supported
17 under subpart 1 of part A of this title on or after the
18 date of enactment of the Educational Excellence for All
19 Children Act of 1999 .".

20

21 TERMINOLOGY

22 SEC. 727. (a) PART A. Subparts 1 and 2 of part A of
23 title VII of the ESEA are amended by striking out
24 "bilingual education or special alternative instruction

1 programs" and "bilingual education or special alternative
2 instructional programs" each place they appear and
3 inserting in lieu thereof "instructional programs".

4 (b) PART E. Section 7501(6) of the ESEA is amended
5 by striking out "a bilingual education and special
6 alternative instructional program" and inserting in lieu
7 thereof "an instructional program".

8

9 REPEALS

10 SEC. 728. (a) REPEALS IN PART A. Sections 7112,
11 7117, 7119, 7120, 7121, and 7147 of the ESEA are repealed.

12 (b) REPEAL OF PART B. Part B of title VII of the
13 ESEA is repealed.

14

15 REDESIGNATIONS AND CONFORMING AMENDMENTS

16 SEC. 729. (a) PART REDESIGNATIONS. Parts C, D, and E
17 of title VII of the ESEA are redesignated as parts B, C,
18 and D, respectively.

19 (b) SECTION REDESIGNATIONS. Sections 7113, 7114,
20 7115, 7116, 7118, 7122, 7123, 7124, 7131, 7132, 7133, 7134,
21 7135, 7136, 7141, 7142, 7143, 7144, 7145, 7146, 7148, 7149,
22 7150, 7161, 7301, 7302, 7303, 7304, 7305, 7306, 7307, 7308,
23 7309, 7401, 7402, 7403, 7404, 7405, 7501, and 7502 of the
24 ESEA are redesignated as sections 7112, 7113, 7114, 7115,

1 7116, 7117, 7118, 7119, 7121, 7122, 7123, 7124, 7125, 7126,
2 7131, 7132, 7133, 7134, 7135, 7136, 7137, 7138, 7139, 7141,
3 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7208, 7209, 7301,
4 7302, 7303, 7304, 7305, 7401, and 7402 of the ESEA,
5 respectively.

6 (c) CONFORMING AMENDMENTS .-(1) Section 7111 of the
7 ESEA is amended by striking out "7114, and 7115" and
8 inserting in lieu thereof "and 7114".

9 (2) Section 7112(b)(1)(A) of the ESEA, as
10 redesignated by subsection (b), is amended by striking out
11 "section 7116" and inserting in lieu thereof "section
12 7115".

13 (3) Section 7113(b)(1)(A) of the ESEA, as
14 redesignated by subsection (b), is amended by striking out
15 "section 7116" and inserting in lieu thereof "section
16 7115".

17 (4) Section 7114(b)(1)(A) of the ESEA, as
18 redesignated by subsection (b), is amended by striking out
19 "section 7116" and inserting in lieu thereof "section
20 7115".

21 (5) Section 7115(g) of the ESEA, as
22 redesignated by subsection (b), is amended—

1 (A) in paragraph (1)(B)(ii), by striking
2 out "section 14306" and inserting in lieu thereof "section
3 11505"; and

4 (B) in paragraph (2), by striking out
5 "section 7114 or 7115" and inserting in lieu thereof
6 "section 7113 or 7114".

7 (6) Section 7135(a)(3) of the ESEA, as
8 redesignated by subsection (b), is amended by striking out
9 "section 7149" and inserting in lieu thereof "section
10 7138".

11 (7) Section 7202 of the ESEA, as redesignated by
12 subsection (b), is amended by striking out "section 7304"
13 and inserting in lieu thereof "section 7204".

14 (8) Section 7204 of the ESEA, as redesignated by
15 subsection (b), is amended—

16 (A) in subsection (a), by striking out
17 "section 7301(b)" and inserting in lieu thereof "section
18 7201(b)"; and

19 (B) in subsection (e)(2), by striking out
20 "section 7307" and inserting in lieu thereof "section
21 7207".

22 (9) Section 7205(a) of the ESEA, as
23 redesignated by subsection (b), is amended—

1 (A) in paragraph (2), by striking out
2 "sections 7301 and 7307" and inserting in lieu thereof
3 "sections 7201 and 7207";
4 (B) in paragraph (4), by—
5 (i) striking out "section 7304(e)" and
6 inserting in lieu thereof "sections 7204(e)"; and
7 (ii) striking out "section 7304(b)(1)"
8 and inserting in lieu thereof "section 7204(b)(1)"; and
9 (C) in paragraph (8), by striking out
10 "section 7304" and inserting in lieu thereof "section
11 7204".
12 (10) Section 7206 of the ESEA, as redesignated
13 by subsection (b), is amended—
14 (A) in subsection (a)—
15 (i) by striking out "section 7305" and
16 inserting in lieu thereof "section 7205"; and
17 (ii) by striking out "section 7305" and
18 inserting in lieu thereof "section 7205"; and
19 (B) in subsection (b), by striking out
20 "section 7305(a)(7)" and inserting in lieu thereof "section
21 7205(a)(7)".
22 (11) Section 7208 of the ESEA, as redesignated
23 by subsection (b), is amended by striking out "section
24 14701" and inserting in lieu thereof "section 11911".

1 (12) Section 7305(d)(2) of the ESEA, as
2 redesignated by subsection (b), is amended by striking out
3 "section 7134" and inserting in lieu thereof "section
4 7124".
5